Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding office action is respectfully requested.

Claims 1, 5, 8, 12, and 19 are amended. Descriptive support for the claim amendments is found in the present application, as filed, at page 8, lines 9-10, and page 4, lines 29-32. Claims 4, 7, 15, 16, and 18 have been canceled. New claim 27 has been added. Descriptive support for new claim 27 is found in original claim 19. No new matter has been added. Claims 1, 5, 8, 9, 12, 19, 20, and 27 are pending.

The rejection of claims 1, 4, 9, 12, 15, and 20 under 35 U.S.C. § 112 (first para.) for lack of enablement is respectfully traversed.

Claims 1 and 12 have been amended to include the features of original dependent claims 7 and 18, respectively. In the outstanding office action, original claims 7 and 18 were not rejected under 35 U.S.C. § 112 (first para.). Therefore, the rejection of claims 1 and 12 (and claims 9 and 20 dependent thereon) should be withdrawn. This rejection should also be withdrawn with respect to claims 4 and 15, which are now canceled.

The rejection of claims 1, 4, 9, 12, 15, and 20 under 35 U.S.C. § 112 (first para.) for lack of written descriptive support is respectfully traversed.

Claims 1 and 12 have been amended to include the features of original dependent claims 7 and 18, respectively. In the outstanding office action, original claims 7 and 18 were not rejected under 35 U.S.C. § 112 (first para.). Therefore, the rejection of claims 1 and 12 (and claims 9 and 20 dependent thereon) should be withdrawn. This rejection should also be withdrawn with respect to claims 4 and 15, which are now canceled.

The rejection of claims 1, 4-5, 7-9, 12, 15-16, and 18-20 under 35 U.S.C. § 102(b) as anticipated by WO 99/27944 to Schenk ("Schenk") is respectfully traversed.

Schenk is directed to compositions and methods for treatment of amyloidogenic diseases. The methods involve administering an agent that induces a beneficial immune response against an amyloid deposit in the patient. The methods are said to be particularly useful for prophylactic and therapeutic treatment of Alzheimer's disease. In such methods, a suitable agent is Aβ peptide or a variant or fragment thereof, or an Aβ peptide antibody.

However, Schenk does not teach or suggest a method which involves administering to a subject an agent, where the agent *is a protein comprising an amino acid*

sequence of at least 5 of the amino acids, in sequence, of SEQ ID NO:3, the protein including residue 18 of SEQ ID NO:3 and having an amino acid substitution of the valine at residue 18 which renders the protein non-fibrillogenic, as required by the present claims. Furthermore, Schenk does not teach or suggest a method that involves administering to a subject *an agent that inhibits interaction between amyloid-β peptide and apolipoprotein E*, as required by the present claims. Instead, Schenk's agents are administered to induce an immune response against an amyloid deposit. Since Schenk does not teach or suggest each and every limitation of the claims, the anticipation rejection based on this reference is improper and should be withdrawn.

In view of all the foregoing, it is submitted that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

Date: September 12, 2008

/Tate L. Tischner/
Tate L. Tischner
Registration No. 56,048

NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603-1051
Telephone: (585) 263-1363
Facsimile: (585) 263-1600